

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101
Prepared by: Annie Feng, Planner II

SUBJECT: Ordinance 1st Reading/Quasi-judicial, ZB 9-1-03, Southern Homes of Davie V, LLC/Keith and Ballbe, Inc., 3151 SW 154 Avenue (Shotgun Road), Generally located at the west end of SW 31 Street between SW 154 Avenue (Shotgun Road) and Interstate I-75.

AFFECTED DISTRICT: District 4

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 9-1-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT AND AG, AGRICULTURAL DISTRICT TO OPEN SPACE OVERLAY DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

REPORT IN BRIEF:

The subject site is 44.84 acres in area. The south portion of 15.7 acres is zoned AG, Agricultural District, and the rest of the property is zoned A-1, Agricultural District. The petitioner is requesting to rezone the entire subject site of 44.84 acres from A-1 and AG (Agricultural District) to Open Space Design Overlay District. The applicant is proposing 32 single-family residences on 44.84 acres utilizing the Open Space Design through the overlay rezoning process as required per Land Development Code Sec. 12-290.

The site is designated as Residential (1DU/AC) on the Future Land Use Plan Map. The proposed density (.71 DU/AC) does not exceed the density as designated in the comprehensive plan and matches the density established on the yield plan based upon the development standards of the underlying A-1 and AG zoning districts.

The A-1 zoning district requires a minimum of 35,000 square feet of lot area and AG zoning district requires a minimum of 43,560 square feet of lot area. The yield plan indicates that ten (10) lots with a minimum lot size of 43,560 square feet and a minimum lot frontage of 150 feet be proposed in the AG zoning area (15.7 acres), and 22 lots with a minimum lot size of 35,000 square feet and a minimum lot frontage of 140 feet be proposed in the A-1 zoning area (29.14 acres). Therefore, no more than 32 units can be built on the subject site under the Open Space Design Overlay.

Section 12-290 of Land Development Code provides the intent of Open Space Design Overlay: 1) Provide greater innovation and flexibility in the design of residential development; 2) Encourage the permanent preservation of open space, agricultural land, wildlife habitat, or other natural resources including wetlands, and historical and archeological resources in a

manner that is consistent with the Town's Comprehensive Plan; and 3) Encourage a form of development that consumes less open land and conforms to existing natural features better than the 35,000-square-foot minimum size lot. In addition, the open space overlay regulations are intended to preserve the traditional rural character of the Town's land use pattern through the creation of large contiguous open areas abutting major road right-of-way, recreation trails, and park land or other lands of natural space or preservation areas.

The subject L-shape property is located at the west end of SW 31 Street between Interstate I-75 and SW 154 Avenue (Shotgun Road). A 180-foot-wide FPL easement, running through the property from south to north, lies approximately 300 feet east of I-75. The property is adjacent to the designated scenic corridor Shotgun Road and Interstate I-75. Applying the open space overlay design will allow the applicant to overcome the natural constraints of the property created by the FPL easement and I-75, and provide substantial open spaces adjacent to scenic corridor and Interstate I-75 as encouraged by the Open Space Design regulations. The proposed open space along I-75 provides a natural buffer between the single-family development and the major highway.

The applicant is proposing 32 single-family homes with large open spaces adjacent to I-75, Shotgun Road and the north property line abutting the existing single-family homes to the north. The proposed 32 single-family lots include 21 lots ranging from 25,001 to 30,000 square feet, five (5) lots ranging from 30,001 to 35,000 square feet, and six (6) lots ranging from 35,001 to 40,000 square feet. The proposed site design meets the minimum 40 percent of open space required by the Open Space Design criteria. The proposed density (.71 DU/AC) does not exceed the density as designated in the comprehensive plan (1 DU/AC) and matches the density established on the yield plan based upon the development standards of the underlying A-1 and AG zoning districts.

The surrounding zoning is A-1 Agricultural District and R-1 Estates Dwelling District to the north, AG, Agricultural District to the south, and R-1, Estate Dwelling District to the east. The proposed rezoning is compatible with the surrounding zoning and existing land uses with respect to density and the nature of the developments. The proposed rezoning is in harmony with the general intent and the purpose of the Town of Davie Land Development Code.

PREVIOUS ACTIONS: None

CONCURRENCES: At the December 10, 2003 Planning and Zoning Board meeting, Chair Bender passed the gavel and made a motion, seconded by Mr. McLaughlin, to approve with the caveat that there be no exit on SW 28 Street and that the entrance and exit be on Shotgun Road only (Motion carried 5-0).

FISCAL IMPACT: N/A

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Attachment(s): Ordinance, Planning Report, Justification, Conceptual Site Plan, Land Use Map, Zoning and Aerial Map

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 9-1-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT AND AG, AGRICULTURAL DISTRICT TO OPEN SPACE OVERLAY DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed from AG and A-1, Agricultural District to Open Space Overlay District;

WHEREAS, said notice was given and publication made as required by law, and a public hearing there under was held on the date of the adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That the property herein after described be and the same is hereby rezoned and changed from AG and A-1, Agricultural District to Open Space Overlay District:

a. The subject property is described in Exhibit "A", which is attached hereto and made a part hereof;

b. The subject property shall be developed in substantial conformance with the conceptual site plan as shown in Exhibit "A", which is attached hereto and made a part hereof;

SECTION 2. That the zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the property described in Section 1, herein, as Open Space Overlay District.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2004.

PASSED ON SECOND READING THIS _____ DAY OF _____, 2004.

ATTEST:

MAYOR/COUNCILMEMBER

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2004.

TOWN OF DAVIE
Development Services Department
Planning and Zoning Division Staff
Report and Recommendation

Applicant Information

Owner:

Name: Southern Homes of Davie V, LLC
Address: 12900 SW 128 Street, Suite 100
City: Miami, Florida 33186
Phone:

Agent:

Name: Keith and Ballbe, Inc.
Address: 2201 W. Prospect Road, Suite 100
City: Ft. Lauderdale, FL 33309
Phone: (954) 489-9801

Background Information

Date of Notification: December 3, 2003

Number of Notifications: 72

Planning and Zoning Board Recommendation: At the December 10, 2003 Planning and Zoning Board meeting, the Board made a motion to approve the rezoning application.

Application History: No deferrals have been requested.

Application Request: Rezone 44.84 acres **FROM:** A-1, Agricultural District and AG, Agricultural District; **TO:** Open Space Design Overlay District. The purpose of this request is to allow the subject site to be developed with 32 single-family residences utilizing Open Space Overlay regulations.

Address/Location: 3151 SW 154 Avenue(Shotgun Road)/Generally located at the west end of SW 31 Street between SW 154 Avenue (Shotgun Road) and Interstate I-75.

Future Land Use Plan Map Designation: Residential (1 DU/AC)

Existing Zoning: A-1 and AG, Agricultural District

Proposed Zoning: Open Space Design Overlay District

Existing Use: Vacant

Proposed Use: 32 Single-family homes

Parcel Size: 44.84 Acres

	<u>Surrounding Uses:</u>	<u>Surrounding Land Use Plan Map Designations:</u>
North:	Vacant (Diamond Creek) & Single-family homes	Residential (1 DU/AC)
South:	Vacant	Residential (1 DU/AC)
East:	Single family dwellings	Residential (1 DU/AC)
West:	Interstate I-75	Transportation

Surrounding Zoning:

North:	A-1, Agricultural District and R-1, Estate Dwelling District
South:	AG, Agricultural District
East:	R-1, Estate Dwelling District
West:	T, Transportation

Zoning History

Related Zoning History:

On October 2, 2002, the Town of Davie adopted Ordinance No. 2002-34 approving Open Space Design Overlay District regulations.

Previous Requests on same property:

The boundary Plat, Blackstone Creek, was approved by the Town Council on September 17, 2003 through Resolution # 2003-239, the plat is restricted to 40 single-family homes.

Applicable Codes and Ordinances

Section 12-307 of the Land Development Code, review for rezonings.

Division 5, Open Space Design Overlay of Article IX of the Land Development Code, Rural Lifestyle Regulations, provides Open Space Overlay Process.

Section 12-290 of Land Development Code provides the intent of Open Space Design Overlay: 1) Provide greater innovation and flexibility in the design of residential development; 2) Encourage the permanent preservation of open space, agricultural land, wildlife habitat, or other natural resources including wetlands, and historical and archeological resources in a manner that is consistent with the Town's Comprehensive Plan; and 3) Encourage a form of development that consumes less open land and conforms to existing natural features better than the 35,000-square-foot minimum size lot.

Sec. 12-299.1. of Land Development Code requires the following design and development criteria for the open space design overlay district: the minimum parcel size of 15 acres, the minimum open spaces of 40 percent, and a full range of lot sizes from 15,000 square feet to over an acre are encouraged.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 2. Planning Area 2 includes the westernmost section of the Town north of Orange Drive and south of SW 14 Street, and bound on the west by Interstate 75 and on the east by SW 100 Avenue. The predominant existing and planned land use is single family residential at a density of one dwelling per acre.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 113.

Applicable Goals, Objectives & Policies:

Future Land Use Plan, Policy 1-1: The Town shall investigate and implement, as appropriate, innovative land development regulations that afford flexibility in developing residential communities while maintaining adequate standards necessary to promote the health, safety and welfare of Town residents.

Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 5-2: The (re)zoning, (re)planning, and site planning of land shall be in compliance with the density ranges shown on the Davie Future Land Use Plan map and the applicable Future Land Use Designation provisions as contained in the Permitted Uses portion of the Implementation Section.

Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 11-3: Development of Unique natural areas shall focus on the resource orientation of the site.

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-2: No property within the Town shall be rezoned to a zoning district that is not in compliance with the Davie Future Land Use Plan.

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Application Details and Staff Analysis

The subject site is 44.84 acres in area. The south portion of 15.7 acres is zoned AG, Agricultural District, and the rest of the property is zoned A-1, Agricultural District. The petitioner is requesting to rezone the entire subject site of 44.84 acres from A-1 and AG (Agricultural District) to Open Space Design Overlay District. The applicant is proposing 32 single-family residences on 44.84 acres utilizing the Open Space Design through the overlay rezoning process as required per Land Development Code Sec. 12-290.

The site is designated as Residential (1DU/AC) on the Future Land Use Plan Map. The proposed density (.71 DU/AC) does not exceed the density as designated in the

comprehensive plan and matches the density established on the yield plan based upon the development standards of the underlying A-1 and AG zoning districts.

The A-1 zoning district requires a minimum of 35,000 square feet of lot area and AG zoning district requires a minimum of 43,560 square feet of lot area. The yield plan indicates that ten (10) lots with a minimum lot size of 43,560 square feet and a minimum lot frontage of 150 feet be proposed in the AG zoning area (15.7 acres), and 22 lots with a minimum lot size of 35,000 square feet and a minimum lot frontage of 140 feet be proposed in the A-1 zoning area (29.14 acres). Therefore, no more than 32 units can be built on the subject site under the Open Space Design Overlay.

Section 12-290 of Land Development Code provides the intent of Open Space Design Overlay: 1) Provide greater innovation and flexibility in the design of residential development; 2) Encourage the permanent preservation of open space, agricultural land, wildlife habitat, or other natural resources including wetlands, and historical and archeological resources in a manner that is consistent with the Town's Comprehensive Plan; and 3) Encourage a form of development that consumes less open land and conforms to existing natural features better than the 35,000-square-foot minimum size lot. In addition, the open space overlay regulations are intended to preserve the traditional rural character of the Town's land use pattern through the creation of large contiguous open areas abutting major road right-of-way, recreation trails, and parkland or other lands of natural space or preservation areas.

The subject L-shape property is located at the west end of SW 31 Street between Interstate I-75 and SW 154 Avenue (Shotgun Road). A 180-foot-wide FPL easement, running through the property from south to north, lies approximately 300 feet east of I-75. The property is adjacent to the designated scenic corridor Shotgun Road and Interstate I-75. Applying the open space overlay design will allow the applicant to overcome the natural constraints of the property created by the FPL easement and I-75, and provide substantial open spaces adjacent to scenic corridor and Interstate I-75 as encouraged by the Open Space Design regulations. The proposed open space along I-75 provides a natural buffer between the single-family development and the major highway.

The applicant is proposing 32 single-family homes with large open spaces adjacent to I-75, Shotgun Road and the north property line abutting the existing single-family homes to the north. The proposed 32 single-family lots include 21 lots ranging from 25,001 to 30,000 square feet, five (5) lots ranging from 30,001 to 35,000 square feet, and six (6) lots ranging from 35,001 to 40,000 square feet. The proposed site design meets the minimum 40 percent of open space required by the Open Space Design criteria. The proposed density (.71 DU/AC) does not exceed the density as designated in the comprehensive plan (1 DU/AC) and matches the density established on the yield plan based upon the development standards of the underlying A-1 and AG zoning districts.

The surrounding zoning is A-1 Agricultural District and R-1 Estates Dwelling District to the north, AG, Agricultural District to the south, and R-1, Estate Dwelling District to the east. The proposed rezoning is compatible with the surrounding zoning and existing land uses with respect to density and the nature of the developments. The proposed rezoning is in harmony with the general intent and the purpose of the Town of Davie Land Development Code.

Findings of Fact

Rezoning:

Section 12-307(A) (1):

The following findings of facts apply to the rezoning request:

- (a) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

The Future Land Use Plan Map designates the parcel as Residential 1 DU/AC. The Open Space Overlay District is a permitted residential zoning district within the Residential 1 DU/AC category. The proposed density of the site is .71 DU/AC, and therefore consistent with the comprehensive plan.

- (b) The proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;

The requested Open Space Overlay zoning district is related and compatible to the adjacent zoning districts. The created large open spaces meet the intent of the Rural Lifestyle regulations and Scenic Corridor regulations. The proposed use is consistent with the surrounding single-family developments. The proposed open spaces ranging from 50 feet to 100 feet and a lake along the north property line separates the development from the existing single-family homes to the north, and the open space including the 180-foot FPL easement will provide a natural buffer between the development and the major highway.

- (c) Existing zoning district boundaries are logically drawn in relation to existing conditions on the property proposed for change;

The existing A-1 and AG districts boundaries are logically drawn in relation to existing conditions on the subject property.

- (d) The proposed change is not expected to adversely affect living conditions in the neighborhood;

The proposed change is compatible with the surrounding residential developments in nature. The proposed site plan meets the Rural Lifestyle Regulations and scenic corridor requirements. The proposed change will allow the developer to overcome the natural constraints of the FPL easement and I-75, and create large open spaces accessible by the general public. Therefore, the proposed change is not expected to adversely affect living conditions in the neighborhood.

- (e) The proposed change is not expected create or excessively increase automobile and vehicular traffic congestion above that which would be

anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

The underlying zoning district is A-1 and AG, Agricultural District. The density established on the yield plan based upon the A-1 and AG zoning development standards is 32 units on 44.84 acres (.71 AC/DU). The proposed open space design will match the density created by the yield plan. Furthermore, the zoning and land use allow the subject site to be developed at the maximum density of 44 units. Therefore, the anticipated traffic is well within the expected traffic level. In addition, prior to the final approval of plat by Broward County, traffic impacts will be assessed and concurrency must be met.

(f) The proposed change is not expected to adversely affect other property values;

Surrounding property values are not expected to be adversely impacted by rezoning the site to Open Space Overlay district as the proposed zoning district is compatible with the surrounding zoning district in both density and compatibility.

(g) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;

The proposed change will not deter adjacent property owners from improving their property, as the Open Space Design Overlay will provide additional opportunities for open areas for the public to enjoy physically and visually.

(h) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

The proposed change meets the intent and purposes of the Rural Lifestyle Regulations and Land Development Code. The proposed design creates large open spaces that can be enjoyed by the general public. Any parcel of land that meets the intent and criteria of Open Space Design Overlay regulations can request to rezone to the Open Space Design Overlay District. Therefore, it does not constitute a grant of special privilege to an individual owners as contrasted with the welfare of the general public.

(i) There may not be substantial reasons why the property cannot be used in accord with existing zoning.

The subject property can be developed under the existing A-1 and AG, Agricultural District designation, which requires the minimum lot size of 35,000 and 43,560 square feet. However, the proposed rezoning will allow the developer to overcome the natural constraints, achieve the proposed number of units, and exceed the Rural Lifestyle requirements in terms of scenic corridor buffer and open space requirements while the proposed density is still lower than the density permitted by the Future Land Use Plan Map designations.

(j) The proposed zoning designation may be the most appropriate designations to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

The proposed zoning designation may be the most appropriate designations to enhance the Town's tax base given the site location relative to the pattern of land use designation established on the Future Land Use Plan map, by creating large open spaces adjacent to Interstate I-75 and scenic corridor Shotgun Road, and limiting the impact of the FPL easement for homeowners.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

Planning and Zoning Board Recommendation

At the December 10, 2003 Planning and Zoning Board meeting, Chair Bender passed the gavel and made a motion, seconded by Mr. McLaughlin, to approve with the caveat that there be no exit on SW 28 Street and that the entrance and exit be on Shotgun Road only (Motion carried 5-0).

Town Council Action

Exhibits

1. Justification
2. Conceptual Site Plan
3. Future Land Use Map
4. Zoning and Aerial Map

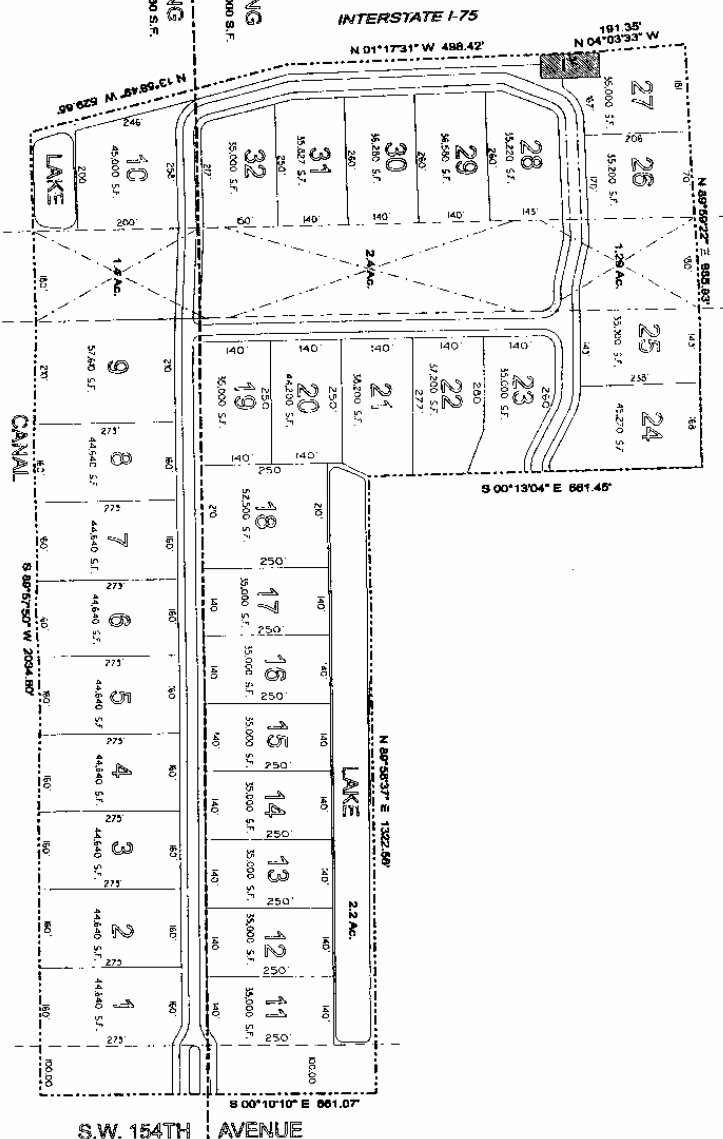
Prepared by: _____

Reviewed by: _____

DR

ROW AVE

CHD



A-1 ZONING
21 LOTS MIN. 35,000 S.F.

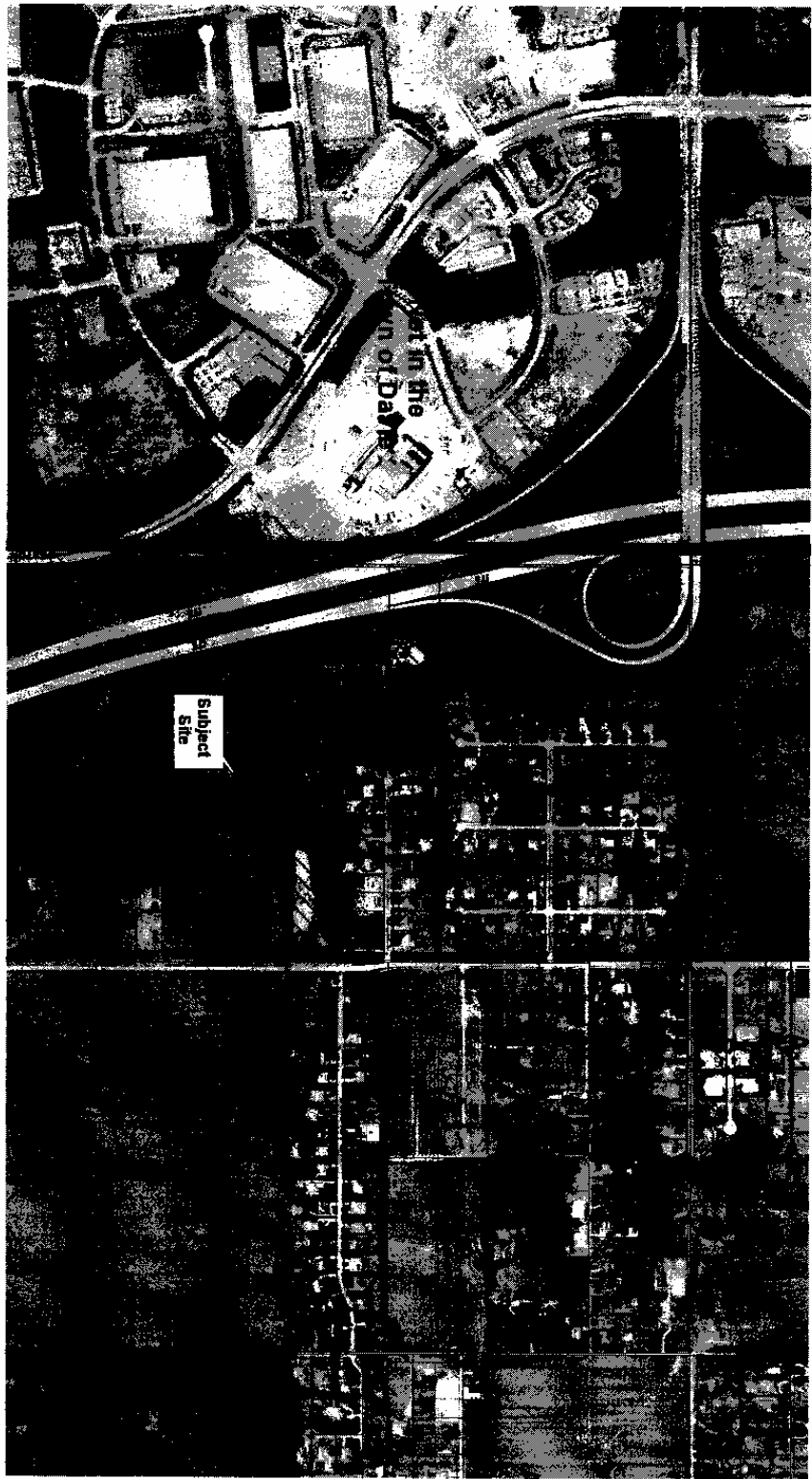
AG ZONING
11 LOTS MIN. 43,000 S.F.

A-1 ZONING
22 LOTS MIN. 35,000 S.F.

AG ZONING
10 LOTS MIN. 43,000 S.F.

BLACKSTONE A
TOTAL NO. OF LOTS = 32
10 LOTS MIN. 43,000 S.F.
22 LOTS MIN. 35,000 S.F.

<p>KEITH & BALBE, INC. Consulting Engineers 2201 West Crosscreek Blvd. Fort Lauderdale, Florida 33309 (954) 489-9801</p>		<p>DESIGNITY PLAN BLACKSTONE SOUTHERN HOMES</p>		<p>PROJECT NUMBER 22-03-46 DATE ISSUED 08/11/03 SHEET NUMBER OF 1</p>	
<p>Prepared by JLB</p>	<p>Checked by JLB</p>	<p>Drawn by JLB</p>	<p>Scale AS SHOWN</p>	<p>Project No. 22-03-46</p>	<p>Sheet No. 08/11/03</p>



Date Flown:
12/31/00



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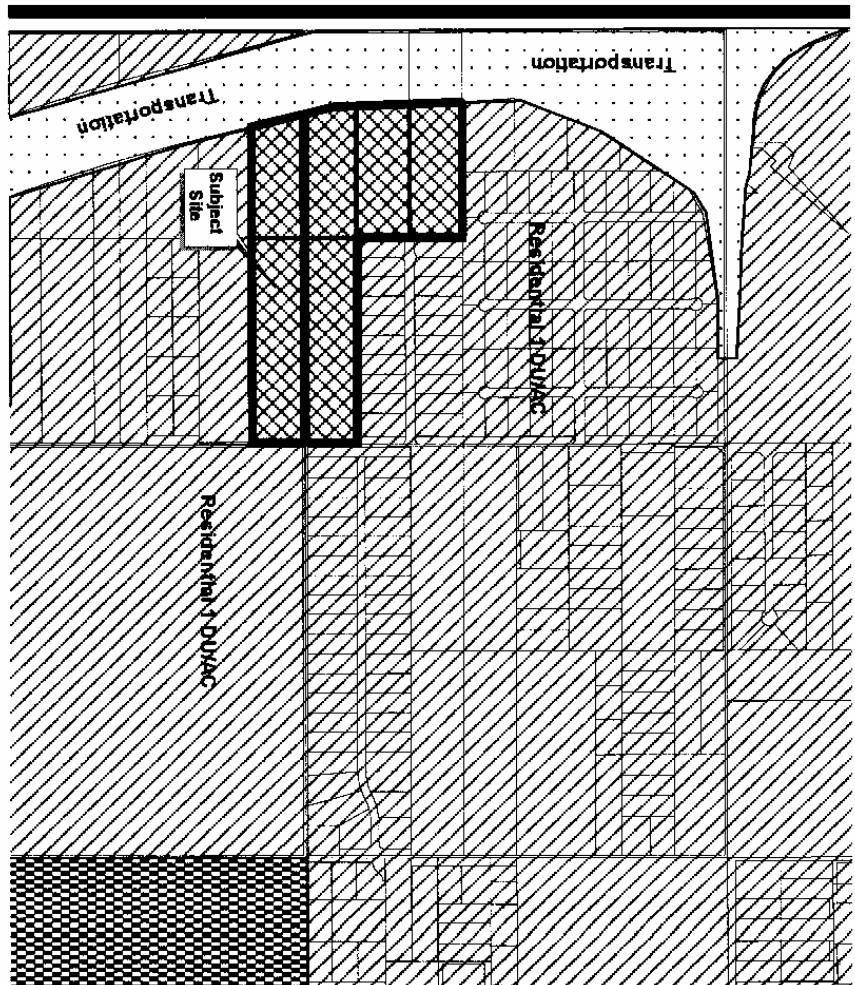
Planning & Zoning Division - GIS



Rezoning Application
ZB 9-1-03 / Blackstone Creek
Subject Site, Zoning and Aerial Map

Prepared By: D.M.A.
Date Prepared: 11/25/03

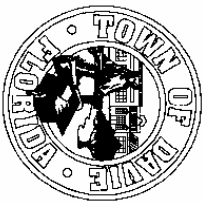
Not in the
Town of Davie



Date Flown:
12/31/00



Planning & Zoning Division - GIS



**Rezoning Application
ZB 9-1-03 / Blackstone Creek
Future Land Use Map**

Prepared By: D.M.A.
Date Prepared: 11/25/03